

United States Courts
Southern District of Texas
FILED

JUL 12 2017

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

vs.

STEPHEN P. LYNCH

§
§
§
§
§

CRIMINAL NO.

17 CR 431

CRIMINAL INDICTMENT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times material to this Indictment:

1. The term "minor" is defined, pursuant to Title 18, United States Code, Section 2256(1), as "any person under the age of eighteen years."

2. The term "child pornography," for purposes of this Indictment, is defined, pursuant to Title 18, United States Code, Section 2256(8)(A), as:

"any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where -

(A) the production of such visual depiction involves the use of a minor engaged in sexually explicit conduct."

3. The term "sexually explicit conduct" is defined, pursuant to Title 18, United States Code, Section 2256(2)(A), as any:

"actual or simulated -

- (i) sexual intercourse, including genital [to] genital, oral [to] genital, anal [to] genital, or oral [to] anal, whether between persons of the same or opposite sex; [or]
- (ii) bestiality; [or]
- (iii) masturbation; [or]
- (iv) sadistic or masochistic abuse; or
- (v) [the] lascivious exhibition of the genitals or pubic area of any person."

4. The term "computer" is defined, pursuant to Title 18, United States Code, Sections 2256(6) and 1030(e)(1), as any:

"electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator or other similar device."

5. The term "producing", for purposes of this Indictment, is defined, pursuant to Title 18, United States Code, Section 2256(3) and case law, as:

"producing, directing, manufacturing, issuing, publishing or advertising" and includes downloading or copying visual depictions from another source.

6. The term "visual depiction" is defined, pursuant to Title 18, United States Code, Section 2256(5), as including, but is not limited to, any:

"undeveloped film and videotape, [and] data stored on computer disk or by electronic means which is capable of conversion into a visual image."

COUNT ONE
(Sexual Exploitation of Children)

From on or about January 1, 2015, through on or about January 27, 2016, within the Southern District of Texas,

STEPHEN P. LYNCH,

defendant herein, did employ, use, persuade, induce, entice and coerce and attempt to employ, use, persuade, induce, entice and coerce a minor child, to wit: Minor Victim #1, to engage in any sexually explicit conduct for the purpose of producing a visual depiction of such conduct, and such visual depiction was transmitted using any means and facility of interstate or foreign commerce, and the visual depiction was produced using materials that had been mailed, shipped and transported in

or affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 2251(a) & (e).

COUNT TWO
(Possession of Child Pornography)

On or about June 14, 2017, within the Southern District of Texas,

STEPHEN P. LYNCH,

defendant herein, did knowingly possess material that contained an image of child pornography, which had been shipped and transported using any means and facility of interstate and foreign commerce, or which were produced using materials which have been mailed, shipped, and transported in and affecting interstate and foreign commerce, by any means, including by computer, more specifically: the defendant possessed a Toshiba laptop 541H; which contained still images and videos of child pornography.

In violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

COUNT THREE
(Destruction of Property)

On or about June 14, 2017, within the Southern District of Texas,

STEPHEN P. LYNCH,

defendant herein, before the search for and seizure of property by Homeland Security Investigations Special Agent William Hurst, a person authorized to make such search and seizure, did knowingly destroy, damage, waste, dispose of, transfer, or otherwise took any action, and attempted to destroy, damage, waste, dispose of, transfer or otherwise take any action, for the purpose of preventing and impairing the Government's lawful authority to take said property into its custody and control.

In violation of Title 18, United States Code, Section 2232(a).


NOTICE OF FORFEITURE
18 U.S.C. § 2253(a)

Pursuant to Title 18, United States Code, Section 2253(a)(2) and (a)(3), the United States gives the defendant notice that in the event of conviction for the offenses charged in Count One and Count Two of the Indictment, the United States will seek to forfeit all property, real and personal, constituting or traceable to gross profits or other proceeds obtained from the offenses charged in Count One and Count Two; and all property, real and personal, used or intended to be used to commit or to promote the commission of the offenses charged in Count One and Count Two, or any property traceable to such property, including, but not limited to, the following:

A Toshiba laptop 541H.

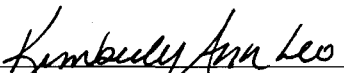
A True Bill:

ORIGINAL SIGNATURE ON FILE

Grand Jury foreperson 

ABE MARTINEZ
Acting United States Attorney

By:



Kimberly Ann Leo
Assistant United States Attorney
713-567-9465